

Remarks/Arguments:

With the present response, claims 1-31 are pending. New claims 29- 31 have been added. The Examiner is thanked for the indication that claims 23-28 are allowed.

Claim rejections

Claim rejections under 35 U.S.C. §102

Claims 1-16 and 22 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,769,830 to Parker ("Parker").

In order to anticipate a claim under 35 U.S.C. §102, the reference must teach every element of the claim. M.P.E.P. §2131. Furthermore, "the identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) and M.P.E.P. §2131.

Amended independent claim 1 recites, *inter alia*, an endoluminal *implant*. The implant comprises a plurality of continuous filaments braided together, at least one filament comprising at least one first region having a first cross-sectional area and at least one second region having a second cross-sectional area, wherein the first cross-sectional area is larger than the second cross-sectional area.

Parker discloses a guiding catheter that is inserted into a lumen, such as a coronary vessel, to deliver an angioplasty balloon catheter. See Col. 3, lines 41-49. Parker fails to disclose or suggest that his device is an *implant*. The claimed device, on the other hand, is an *implant*, which by definition is *implanted* in a body lumen. Parker's guiding catheter is only inserted within a lumen for the duration of a particular medical procedure, and then promptly removed, without ever being implanted, whereas an implant, such as a stent, graft, vena cava filter, or the like, is left within the body lumen for at least some period of time. While the term "implant" does not necessarily imply a permanent installation (i.e. an implant can be removed during a later procedure), an implant is understood to reside within the body for some period of time after having been deployed. Because Parker fails to disclose or suggest all of the limitations of amended claim 1, Applicants respectfully submit that the rejection of claim 1 is improper. Reconsideration and allowance of claim 1 is respectfully requested.

Claims 2-16 all ultimately depend from claim 1. Applicants respectfully submit that claims 2-16 are all patentable over Parker for at least the same reasons as set forth above with respect to claim 1. Reconsideration and allowance of claims 2-16 is respectfully requested.

Amended independent claim 22 recites, *inter alia*, a method for treating a human being, the method comprising the step of *implanting* within a lumen of the human being an endoluminal device comprising a plurality of continuous filaments braided together, at least one filament comprising at least one first region having a first cross-sectional area and at least one second region having a second cross-sectional area, wherein the first cross-sectional area is larger than the second cross-sectional area.

As stated above with respect to claim 1, Parker fails to disclose or suggest implanting his device into a lumen, as is recited in amended claim 22. Because Parker fails to disclose or suggest all of the limitations of claim 22, Applicants respectfully submit that the rejection of claim 22 is improper. Reconsideration and allowance of claim 22 is respectfully requested.

Claim rejections under 35 U.S.C. §103

Claim 17 stands rejected under 35 U.S.C. 103(a) as unpatentable over Parker in view of U.S. Patent No. 5,019,057 to Truckai. Applicants respectfully traverse this rejection. As claim 17 depends from claim 1, and Truckai also fails to teach or suggest an implant having the claimed features of Applicants' invention, Applicants submit that claim 17 is patentable over the proposed combination of Parker and Truckai for at least the same reasons as set forth above with respect to claim 1. Reconsideration and allowance of claim 17 is respectfully requested.

Claims 18-20 stand rejected under 35 U.S.C. 103(a) as unpatentable over Parker. Applicants respectfully traverse this rejection. Claims 18-20 ultimately depend from claim 1, and Applicants submit that claims 18-20 are patentable over Parker for at least the same reasons as set forth above with respect to claim 1. Reconsideration and allowance of claims 18-20 is respectfully requested.

Double Patenting rejections

Claims 1, 5, 6, 9, and 22 stand rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1, 2, 6, 10, and 22 of U.S. Patent No. 6,325,822. Claims 21 and 22 stand rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 2 and 19 of U.S. Patent No. 6,685,738.

Applicants are filing herewith Terminal Disclaimers to overcome these rejections. Reconsideration and allowance of claims 1, 5, 6, 9, 21, and 22 is respectfully requested.

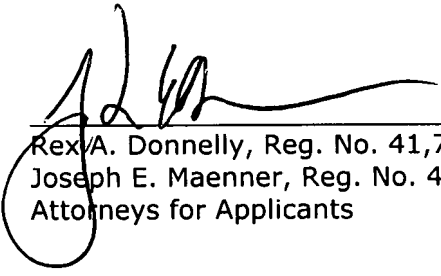
Appln. No.: 10/750,131
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Conclusion

In light of the above amendments, arguments, and terminal disclaimers, Applicants hereby submit that the present application is in condition for allowance. Prompt reconsideration and allowance is respectfully requested.

Respectfully submitted,



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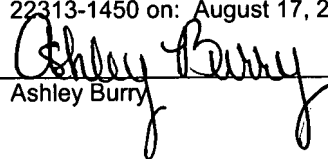
Dated: August 17, 2007

Enclosures: Terminal Disclaimer for U.S. Patent No. 6,325,822
Terminal Disclaimer for U.S. Patent No. 6,685,738

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